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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/246,918	02/09/1999	KARL M. ROBINSON	303.455US2	6845
7590 10/14/2003 SCHWEGMAN LUNDBERG WOESSNER & KLUTH			EXAMINER	
			FOURSON III, GEORGE R	
PO BOX 2938				
MINNEAPOLIS, MN 55402			ART UNIT	PAPER NUMBER
			2823	
			DATE MAIL UD. 10/14/2002	

DATE MAILED: 10/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.13 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.134.  PERIOD FOR REPLY (check either a) or b)]  The period for reply expires 3_months from the malling date of the final rejection. The period for reply expires 3_months from the malling date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the malling date of the final rejection. ONLY CHECK THIS BOX WHEN THE IRRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee naive been filed is the date for purposes of identifying the period of extension and the corresponding amount of the fee. The appropriate extension fee naive been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee naive been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee naive been filed is the date for purposes of incentified as from the malling date of the final rejection. The final Office and the period of extension and the corresponding amount of the fee. The appropriate extension fee naive period of extension and the corresponding amount of the fee. The appropriate extension fee naive period of extension and the corresponding and the fee naive period of the final rejection, even if furney flied, may reduce any extension and the period of the final rejection and the period of the final rejection and period of the fin		Application No.	Applicant(s)				
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10. Other: George Fourson Primary Examiner	8.☐ The proposed drawing correction filed on is a)☐ approved or b)☐ disapproved by the Examiner.						
George Fourson Primary Examiner	9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s).						
Primary Examiner	10.□ Other:						
		د	Primary Examiner				

Application No.

Continuation of 5, does NOT place the application in condition for allowance because: Applicant's arguments have been addressed in the office action mailed 5/20/03. Applicant continues to attack the references individually when the references are used in combination in a rejection under 35 USC 103.

In response to applicant's allegation that the rejection(s) does not address the invention as a whole, the process made obvious by the combination of references relied on is encompassed by the instant claims. The rejection does not disect the claim into discrete elements but instead provides a reasoned statement that one of ordinary skill in the art would be led to the recited process as a whole by the disclosures and suggestions of the references relied on.

Applicant implies that there would not be a reasonable expectation of success when applying the teachings of Gaulier et al and Hayakawa et al to those of Kahihara et al. However, Gaulier et al and Hayakawa et al are directed to formation of metal-oxide-metal capacitors including formation of the capacitor dielectric by anodization of a portion of a metal plate of the capacitor and Kahihara et al is directed to formation of a metal-oxide-metal capacitor including a metal layer on a polysilicon capacitor plate. In view of the teachings of the secondary references there would be reasonable expectation of success that anodization of a portion of the metal layer of Kahirara would produce a dielectric suitable as the capacitor dielectric.